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10/618,118

07/11/2003

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47384 7590 05/01/2008  
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EXAMINER

HICKS, MICHAEL J

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/618,118	Applicant(s) PUGLIESE, PIERLUIGI	
	Examiner Michael J. Hicks	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22-24, 26-36 and 38-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 22-24, 26-36, and 38-40 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 22-24, 26-36, and 38-40 Pending.
2. Claims 1-21, 25, 37, and 41 Canceled.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 22-24, 26-36, and 38-40 have been considered but are moot in view of the new ground(s) of rejection. Examiner notes that while claims 25, 29-33, 37, and 41 had previously been indicated as containing allowable subject matter, the pre-allowance prior art search resulted in the identification of a new reference (Debevc et al., "Design and Evaluation of an Adaptive Icon Toolbar", User Modeling and User-Adapted Interaction 6: pgs. 1-21, 1996, Kluwer Academic Publishers and referred to hereinafter as Debevc) which will be used to reject the limitations of the claims previously indicated as allowable.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-24, 26-36, and 38-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer in view of Debevc.

As per Claims 22, 34, and 38, Schaffer discloses a processor-implemented method, device, and machine readable storage medium for rearranging a plurality of menu items within a menu structure of a user interface, the method comprising the steps of collecting data about respective selection rates of the menu items within a current menu structure (i.e. *"In one embodiment, the resequencing occurs adaptively and is based upon monitoring selections of the menu items over time. The menu items are typically options in which some options are selected and others remain unselected. Each selection of each option is counted. A resequencing of the menu items is determined by the frequency of selection. Thus, the menu options are adaptively rearranged in a frequency-based order, with the most often selected option being presented first in the next utilization of the user interface."* The preceding text excerpt clearly indicate that data is collected about the frequency of menu selection (e.g. a tracking of the number of times each menu item is selected) prior to adapting the menu structure (e.g. this data would have to be collected in order to determine the frequency of menu items, which is needed to perform the frequency re-ordering from a default configuration, such as shown in Figures 3-5).) (Column 2, Lines 5-16); calculating a new menu structure based on the collected data about the respective selection rates of the menu items within the current menu structure (i.e. *"In one embodiment, the resequencing occurs adaptively and is based upon monitoring selections of the menu items over time. The menu items are typically options in which some options are selected and others remain unselected. Each selection of each option is counted. A resequencing of the menu items is determined by the frequency of selection. Thus, the menu options are adaptively rearranged in a frequency-based order, with the most often selected option being presented first in the next utilization of the user interface."* The preceding text excerpt clearly indicate that data is collected about the frequency of menu selection (e.g. a tracking of the number of times each menu item is selected) prior to adapting the menu structure (e.g. this data would have to be collected in order to determine the frequency of menu items, which is needed to perform the frequency re-ordering from a default configuration, such as shown in Figures 3-5).) (Column 2, Lines 5-

16); and replacing the current menu structure with the new menu structure (i.e. *"In one embodiment, the resequencing occurs adaptively and is based upon monitoring selections of the menu items over time. The menu items are typically options in which some options are selected and others remain unselected. Each selection of each option is counted. A resequencing of the menu items is determined by the frequency of selection. Thus, the menu options are adaptively rearranged in a frequency-based order, with the most often selected option being presented first in the next utilization of the user interface."* The preceding text excerpt clearly indicate that data is collected about the frequency of menu selection (e.g. a tracking of the number of times each menu item is selected) prior to adapting the menu structure (e.g. this data would have to be collected in order to determine the frequency of menu items, which is needed to perform the frequency re-ordering from a default configuration, such as shown in Figures 3-5).) (Column 2, Lines 5-16); wherein user approval of menu alteration is obtained via the user interface prior to completion of the replacing step (i.e. *"As another optional feature, the resequencing may be disabled to turn "off" the statistical collection that counts the item selections. In utilizing this feature, the user may invoke a resequence option that initiates rearrangement of the menu items based upon the "learning" that occurred since the adaptation option was last enabled. Allowing adaptation to be enabled and disabled is beneficial for those instances in which a user is performing operations that are exceptions to the norm or are single-time activities. As a related optional feature, the statistical collection may remain "on," but with the resequencing occurring only upon the command of the user. This prevents unexpected and/or unwanted resequencing from causing difficulties for the user."* The preceding text excerpt clearly indicates that the system may be configured such that the user must initiate the resequencing procedure using a command, thereby approving the menu alteration and utilizing the user interface. Note that this step may take place before the replacing, collecting, and calculating steps.) (Column 2, Lines 25-37).

Schaffer fails to disclose the limitations of the method further comprising the step of displaying the new menu structure to the user prior to completion of the replacing

step; and wherein the user approval comprises user approval of the new menu structure as displayed.

Debevc discloses the method further comprising the step of displaying the new menu structure to the user prior to completion of the replacing step (i.e. *"At the user's convenience, the adaptive bar offers suggestions for adding or removing command icons, based on the frequency and probability of specific commands. It also implements these changes once the user has agreed to them."* The preceding text excerpt along with Figure 1 clearly indicates that the system displays the new menu structure to the user prior to the completion of the replacing step (e.g. the user must approve the suggested menu changes before they are implemented).) (Abstract); and wherein the user approval comprises user approval of the new menu structure as displayed (i.e. *"At the user's convenience, the adaptive bar offers suggestions for adding or removing command icons, based on the frequency and probability of specific commands. It also implements these changes once the user has agreed to them."* The preceding text excerpt along with Figure 1 clearly indicates that user approval of the suggested menu changes is obtained after the new suggested menu structure is displayed to the user.) (Abstract).

It would have been obvious to one skilled in the art at the time of Applicants invention to modify the teachings of Schaffer with the teachings of Debevc to include the method further comprising the step of displaying the new menu structure to the user prior to completion of the replacing step; and wherein the user approval comprises user approval of the new menu structure as displayed with the motivation to design an adaptive user interface in a computer environment familiar to many users.

As per Claims 23, 35, and 39, Schaffer discloses the user approval is obtained prior to completion of the collecting step (i.e. *"As another optional feature, the resequencing may be*

*disabled to turn "off" the statistical collection that counts the item selections. In utilizing this feature, the user may invoke a resequence option that initiates rearrangement of the menu items based upon the "learning" that occurred since the adaptation option was last enabled. Allowing adaptation to be enabled and disabled is beneficial for those instances in which a user is performing operations that are exceptions to the norm or are single-time activities. As a related optional feature, the statistical collection may remain "on," but with the resequencing occurring only upon the command of the user. This prevents unexpected and/or unwanted resequencing from causing difficulties for the user.*" The preceding text excerpt clearly indicates that the system may be configured such that the user must initiate the resequencing procedure using a command, thereby approving the menu alteration. Note that this step may take place before the replacing, collecting, and calculating steps.) (Column 2, Lines 25-37).

As per Claims 24, 36, and 40, Schaffer discloses the user approval is obtained prior to completion of the calculating step (i.e. *"As another optional feature, the resequencing may be disabled to turn "off" the statistical collection that counts the item selections. In utilizing this feature, the user may invoke a resequence option that initiates rearrangement of the menu items based upon the "learning" that occurred since the adaptation option was last enabled. Allowing adaptation to be enabled and disabled is beneficial for those instances in which a user is performing operations that are exceptions to the norm or are single-time activities. As a related optional feature, the statistical collection may remain "on," but with the resequencing occurring only upon the command of the user. This prevents unexpected and/or unwanted resequencing from causing difficulties for the user.*" The preceding text excerpt clearly indicates that the system may be configured such that the user must initiate the resequencing procedure using a command, thereby approving the menu alteration. Note that this step may take place before the replacing, collecting, and calculating steps.) (Column 2, Lines 25-37).

As per Claim 26, Schaffer discloses the user approval comprises the selection of a specified menu item (i.e. *"As another optional feature, the resequencing may be disabled to turn "off" the statistical collection that counts the item selections. In utilizing this feature, the user may invoke a resequence option that initiates rearrangement of the menu items based upon the "learning" that occurred since the adaptation option was last enabled. Allowing adaptation to be enabled and disabled is beneficial for those instances in which a user is performing operations that are exceptions to the norm or are single-time activities. As a related optional feature, the statistical collection may remain "on," but with the resequencing occurring only upon the command of the user. This prevents unexpected and/or unwanted resequencing from causing difficulties for the user."* The preceding text excerpt clearly indicates that the resequencing takes place in response to a command, which is linked to an option on a menu.) (Column 2, Lines 25-37).

As per Claim 27, Schaffer discloses the menu items are arranged within a plurality of functional groupings within the current menu structure (i.e. *"Second-level menu items are preferably also tracked for frequency of selection. That is, if selection of a particular option in the main menu initiates display of submenu items related to the initial selection, there preferably is a monitoring of the user selection of the submenu items, so that an adaptive frequency-based reordering also occurs at the submenu level."* The preceding text excerpt clearly indicates that menus may include submenus (e.g. functional groupings of commands within the menu structure).) (Column 2, Lines 38-44) and wherein the new menu structure comprises rearrangement of particular ones of the menu items within at least a given one of the functional groupings while maintaining said plurality of functional groupings of the menu items (i.e. *"Second-level menu items are preferably also tracked for frequency of selection. That is, if selection of a particular option in the main menu initiates display of submenu items related to the initial selection, there preferably is a monitoring of the user selection of the submenu items, so that an adaptive frequency-based reordering also occurs at*

*the submenu level.*" The preceding text excerpt clearly indicates that the submenus (e.g. functional groupings) may be resequenced regarding frequency, while maintaining their structure.) (Column 2, Lines 38-44).

As per Claim 28, Schaffer discloses the functional groupings comprise submenus displayed responsive to the selection of at least one menu item (i.e. *"Second-level menu items are preferably also tracked for frequency of selection. That is, if selection of a particular option in the main menu initiates display of submenu items related to the initial selection, there preferably is a monitoring of the user selection of the submenu items, so that an adaptive frequency-based reordering also occurs at the submenu level."* The preceding text excerpt clearly indicates that menus may include submenus (e.g. functional groupings of commands within the menu structure) which are displayed responsive to the selection of a primary menu item.) (Column 2, Lines 38-44).

As per Claim 29, Schaffer discloses a processor-implemented method for rearranging a plurality of menu items within a menu structure of a user interface, the method comprising the steps of collecting data about respective selection rates of the menu items within a current menu structure (i.e. *"In one embodiment, the resequencing occurs adaptively and is based upon monitoring selections of the menu items over time. The menu items are typically options in which some options are selected and others remain unselected. Each selection of each option is counted. A resequencing of the menu items is determined by the frequency of selection. Thus, the menu options are adaptively rearranged in a frequency-based order, with the most often selected option being presented first in the next utilization of the user interface."* The preceding text excerpt clearly indicate that data is collected about the frequency of menu selection (e.g. a tracking of the number of times each menu item is selected) prior to adapting the menu structure (e.g. this data would have to be collected in order to determine the frequency of menu items, which is needed to perform the

frequency re-ordering from a default configuration, such as shown in Figures 3-5).) (Column 2, Lines 5-16); calculating a new menu structure based on the collected data about the respective selection rates of the menu items within the current menu structure (i.e. *"In one embodiment, the resequencing occurs adaptively and is based upon monitoring selections of the menu items over time. The menu items are typically options in which some options are selected and others remain unselected. Each selection of each option is counted. A resequencing of the menu items is determined by the frequency of selection. Thus, the menu options are adaptively rearranged in a frequency-based order, with the most often selected option being presented first in the next utilization of the user interface."* The preceding text excerpt clearly indicate that data is collected about the frequency of menu selection (e.g. a tracking of the number of times each menu item is selected) prior to adapting the menu structure (e.g. this data would have to be collected in order to determine the frequency of menu items, which is needed to perform the frequency re-ordering from a default configuration, such as shown in Figures 3-5).) (Column 2, Lines 5-16); and replacing the current menu structure with the new menu structure (i.e. *"In one embodiment, the resequencing occurs adaptively and is based upon monitoring selections of the menu items over time. The menu items are typically options in which some options are selected and others remain unselected. Each selection of each option is counted. A resequencing of the menu items is determined by the frequency of selection. Thus, the menu options are adaptively rearranged in a frequency-based order, with the most often selected option being presented first in the next utilization of the user interface."* The preceding text excerpt clearly indicate that data is collected about the frequency of menu selection (e.g. a tracking of the number of times each menu item is selected) prior to adapting the menu structure (e.g. this data would have to be collected in order to determine the frequency of menu items, which is needed to perform the frequency re-ordering from a default configuration, such as shown in Figures 3-5).) (Column 2, Lines 5-16); wherein user approval of menu alteration is obtained via the user interface prior to completion of the replacing step (i.e. *"As another optional feature, the resequencing may be disabled to turn "off" the statistical*

*collection that counts the item selections. In utilizing this feature, the user may invoke a resequence option that initiates rearrangement of the menu items based upon the "learning" that occurred since the adaptation option was last enabled. Allowing adaptation to be enabled and disabled is beneficial for those instances in which a user is performing operations that are exceptions to the norm or are single-time activities. As a related optional feature, the statistical collection may remain "on," but with the resequencing occurring only upon the command of the user. This prevents unexpected and/or unwanted resequencing from causing difficulties for the user."* The preceding text excerpt clearly indicates that the system may be configured such that the user must initiate the resequencing procedure using a command, thereby approving the menu alteration and utilizing the user interface. Note that this step may take place before the replacing, collecting, and calculating steps.) (Column 2, Lines 25-37).

Schaffer fails to disclose the calculating step further comprises the step of calculating a difference between the new menu structure and the current menu structure.

Debevc discloses the calculating step further comprises the step of calculating a difference between the new menu structure and the current menu structure (i.e. *"The most important feature of the adaptive bar is its ability to guide and automate the process of adding and removing icons from the toolbar. Whenever the system determines that a change to the bar may be appropriate, it plays a tone and changes the background color of the bar. (The particular color to which the bar changes can be customized.) Once the bar background indicates that a proposal for change is available, the user can review the proposal at any time by double-clicking on the bar background. This action calls up a single dialog box (Figure 2) that allows the user to confirm or reject the proposed change. If the user rejects a proposed change, the system maintains the data that led to the suggestion, but then uses this data to generate different proposals that have not yet been rejected. This mechanism helps prevent the system from insisting on one particular suggestion over and over again. Because only the background color changes when there is a suggestion, the user need not stop working and can control when and how the bar is changed. If the user keeps working without reviewing the proposed*

*change, the bar simply retains the new color. If the user continues working for a long time without reviewing any proposals for change, the system continues to dynamically calculate the priority of each command. If at some later time the user clicks on the bar background to review a proposal, the system presents a single proposal based on the user's most recent activity"* The preceding text excerpt along with Figure 1 clearly indicates that a difference between the current and suggested menus is calculated which prompts the system to indicate to the user that the new menu is available.) (Page 4, Figure 1).

It would have been obvious to one skilled in the art at the time of Applicants invention to modify the teachings of Schaffer with the teachings of Debevc to include the step of calculating a difference between the new menu structure and the current menu structure with the motivation to design an adaptive user interface in a computer environment familiar to many users.

As per Claim 30, Schaffer fails to disclose the difference is a number of menu items in the new menu structure that have no corresponding match in the current menu structure.

Debevc discloses the difference is a number of menu items in the new menu structure that have no corresponding match in the current menu structure (i.e. "*The most important feature of the adaptive bar is its ability to guide and automate the process of adding and removing icons from the toolbar. Whenever the system determines that a change to the bar may be appropriate, it plays a tone and changes the background color of the bar. (The particular color to which the bar changes can be customized.) Once the bar background indicates that a proposal for change is available, the user can review the proposal at any time by double-clicking on the bar background. This action calls up a single dialog box (Figure 2) that allows the user to confirm or reject the proposed change. If the user rejects a proposed change, the system maintains the data that led to the suggestion,*

*but then uses this data to generate different proposals that have not yet been rejected. This mechanism helps prevent the system from insisting on one particular suggestion over and over again. Because only the background color changes when there is a suggestion, the user need not stop working and can control when and how the bar is changed. If the user keeps working without reviewing the proposed change, the bar simply retains the new color. If the user continues working for a long time without reviewing any proposals for change, the system continues to dynamically calculate the priority of each command. If at some later time the user clicks on the bar background to review a proposal, the system presents a single proposal based on the user's most recent activity"* The preceding text excerpt along with Figure 1 and Figure 2 clearly indicates that the difference is identified by identifying an icon which the system feels should be added which has no corresponding match in the current menu structure.) (Page 4, Figures 1-2).

It would have been obvious to one skilled in the art at the time of Applicants invention to modify the teachings of Schaffer with the teachings of Debevc to include the difference is a number of menu items in the new menu structure that have no corresponding match in the current menu structure with the motivation to design an adaptive user interface in a computer environment familiar to many users.

As per Claim 31, Schaffer fails to disclose the replacing step is executed only if the calculated difference exceeds a threshold.

Debevc discloses the replacing step is executed only if the calculated difference exceeds a threshold (i.e. *"The most important feature of the adaptive bar is its ability to guide and automate the process of adding and removing icons from the toolbar. Whenever the system determines that a change to the bar may be appropriate, it plays a tone and changes the background color of the bar. (The particular color to which the bar changes can be customized.) Once the bar background indicates that a proposal for change is available, the user can review the proposal at any time by double-clicking on*

*the bar background. This action calls up a single dialog box (Figure 2) that allows the user to confirm or reject the proposed change. If the user rejects a proposed change, the system maintains the data that led to the suggestion, but then uses this data to generate different proposals that have not yet been rejected. This mechanism helps prevent the system from insisting on one particular suggestion over and over again. Because only the background color changes when there is a suggestion, the user need not stop working and can control when and how the bar is changed. If the user keeps working without reviewing the proposed change, the bar simply retains the new color. If the user continues working for a long time without reviewing any proposals for change, the system continues to dynamically calculate the priority of each command. If at some later time the user clicks on the bar background to review a proposal, the system presents a single proposal based on the user's most recent activity"* The preceding text excerpt along with Figure 1 clearly indicates that the threshold is predefined to be a single change to the toolbar.) (Page 4, Figure 1).

It would have been obvious to one skilled in the art at the time of Applicants invention to modify the teachings of Schaffer with the teachings of Debevc to include the replacing step is executed only if the calculated difference exceeds a threshold with the motivation to design an adaptive user interface in a computer environment familiar to many users.

As per Claim 32, Schaffer fails to disclose the threshold is predefined.

Debevc discloses the threshold is predefined (i.e. *"The most important feature of the adaptive bar is its ability to guide and automate the process of adding and removing icons from the toolbar. Whenever the system determines that a change to the bar may be appropriate, it plays a tone and changes the background color of the bar. (The particular color to which the bar changes can be customized.) Once the bar background indicates that a proposal for change is available, the user can review the proposal at any time by double-clicking on the bar background. This action calls up a single*

*dialog box (Figure 2) that allows the user to confirm or reject the proposed change. If the user rejects a proposed change, the system maintains the data that led to the suggestion, but then uses this data to generate different proposals that have not yet been rejected. This mechanism helps prevent the system from insisting on one particular suggestion over and over again. Because only the background color changes when there is a suggestion, the user need not stop working and can control when and how the bar is changed. If the user keeps working without reviewing the proposed change, the bar simply retains the new color. If the user continues working for a long time without reviewing any proposals for change, the system continues to dynamically calculate the priority of each command. If at some later time the user clicks on the bar background to review a proposal, the system presents a single proposal based on the user's most recent activity"* The preceding text excerpt along with Figure 1 clearly indicates that the threshold is predefined to be a single change to the toolbar.) (Page 4, Figure 1).

It would have been obvious to one skilled in the art at the time of Applicants invention to modify the teachings of Schaffer with the teachings of Debevc to include the threshold is predefined with the motivation to design an adaptive user interface in a computer environment familiar to many users.

As per Claim 33, Schaffer fails to disclose the threshold is selected by the user.

Debevc discloses the threshold is selected by the user (i.e. *"The most important feature of the adaptive bar is its ability to guide and automate the process of adding and removing icons from the toolbar. Whenever the system determines that a change to the bar may be appropriate, it plays a tone and changes the background color of the bar. (The particular color to which the bar changes can be customized.) Once the bar background indicates that a proposal for change is available, the user can review the proposal at any time by double-clicking on the bar background. This action calls up a single dialog box (Figure 2) that allows the user to confirm or reject the proposed change. If the user rejects a proposed change, the system maintains the data that led to the suggestion, but then uses this data to*

*generate different proposals that have not yet been rejected. This mechanism helps prevent the system from insisting on one particular suggestion over and over again. Because only the background color changes when there is a suggestion, the user need not stop working and can control when and how the bar is changed. If the user keeps working without reviewing the proposed change, the bar simply retains the new color. If the user continues working for a long time without reviewing any proposals for change, the system continues to dynamically calculate the priority of each command. If at some later time the user clicks on the bar background to review a proposal, the system presents a single proposal based on the user's most recent activity"* The preceding text excerpt along with Figure 1 clearly indicates that the user may choose to disregard the predefined threshold and only consider toolbar changes at their convenience, thus indicating that the threshold may be user defined..) (Page 4, Figure 1).

It would have been obvious to one skilled in the art at the time of Applicants invention to modify the teachings of Schaffer with the teachings of Debevc to include the threshold is selected by the user with the motivation to design an adaptive user interface in a computer environment familiar to many users.

### ***Points of Contact***

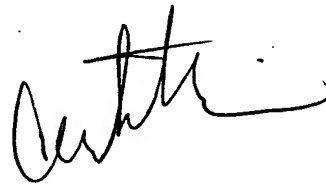
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Thursday 9:00a - 7:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2165

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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